HIGH COURT OF UTTARANCHAL, AT NAINITAL

Habeas Corpus Writ Petition No.17 of 2005

Harjeet Singh S/o Dalip Singh
R/o 38/8 Marla Colony
Model Town Panipat, Hariyana ……Petitioner

Versus

1. State of Uttaranchal through
   S.S.P. Haridwar
   District Haridwar
2. Station Officer
   P.S. Ranipur
   Haridwar, District Haridwar
3. Manoj S/o Late Dhoom Singh
4. Smt. Kunta W/o late Dhoom Singh
5. Manjeet Kaur W/o Satnama Singh
   D/o late Dhoom Singh
   Respondent No.3 to 5
   R/o village Wadiwala
   P.S. Ranipur, District Haridwar ……Respondents

Sri Parikshit Saini learned counsel for the petitioner.
Sri N. C. Gupta learned counsel for the respondent Nos.3 to 5.

Hon'ble J. C. S. Rawat, J.

1. This writ petition has been filed by the petitioner under section under Article 226 of the Constitution of India with the prayer to issue a writ or order in the nature of Habeas Corpus or direction in the nature of mandamus commanding the respondent No.3 to 5 to set at liberty to Km. Manpreet Kaur.

2. The petitioner has alleged in this petition that he is the father of Kr. Manpreet Kaur. It has been alleged that Km. Manpreet Kaur is in custody of the respondent Nos.3 to 5. It was further alleged that there is an apprehension of life and liberty to her daughter. It was prayed that the respondent No.3 to 5 may be directed to produce Kr. Manpreet Kaur in the Court and she should

be set at liberty. The Court vide its order dated 18.11.2005, the respondent No.3 to 5 were directed to produce Kr. Manpreet Kaur before this Court today. Pursuant to the order passed by this Court, today Kr. Manpreet Kaur has appeared in person before this Court. A counter affidavit was also filed on behalf of the respondent No.3 & 4. It has been alleged in the counter affidavit that the marriage has been solemnized in between the respondent No.3-Manoj and Kr. Manpreet Kaur. It has been further alleged that the petitioner, who is the father of Kr. Manpreet Kaur, has threatened to the family members of the respondent Nos.3 to 5. The respondent No.3 to 5 have also filed the copy of the marriage certificate in which the date of birth of Kr. Manpreet Kaur is shown as 06.07.1982. The statement of Kr. Manpreet Kaur was recorded in 'camera' in the Court itself. She has stated as follows:

"esjk uke euizhr dkSj gSA esjh mez 23 o'kZ gSA esjh tUe frfFk 06&07&1982 gSA eSa dq:{ks= ;wfuoflZVh ls i<+h gwWA eSaus ogkW ls ,e0,0 dh gSA vkSj ,e0,0 izkbosV dh gSA esSusa ,e0,0 Qkbuy fiNys o'kZ fd;k gSA

esjs firkth dk uke ljnkj gjthr flag gSA eSa igys ikuhir esa vius ikik ds lkFk jgrh FkhaA eSa yxHkx rhu eghus igys rd vius firk gjthr flag ds ?kj es jgrh FkhA eS eukst iq= Lo0 /kwe flag Jhefr dqUrk nsoh iRuh Lr0 ?kwe flag o euthr dSkj iRuh lruke flag dks tkurh gwWA eukst flag esjs ifr gSA

esjh "kknh eukstflag ds lkFk vDVwcj 2005 esa nsgjknwu dksVZ esa gqbZ FkhA geus dksVZ

eSjht dh FkhA Jhefr dqUrk vkSj eUkthr dkSj esjs lkl vkSj uuan gSA esjs ifr eukst flag o lkl xzke oghokyk] jkuhiqj ftyk] gfj}kj esa jgrs FksA ;g ckr esjs firk ;kfpdrkZ dh drbZ xyr gS fd mRrjnkrk rhu yxk;r ikap eukst] Jhefr dqUrk] eUkthr dkSj eq>s voS/kkfud rkSj ls eq>s vius ikl j[ks gksaA eSa viuh ethZ ls vius ifr eukst ds lkFk jg jgha gwWA

eSa vkSj esjs ifr eukst Fkkuk jkuhiqj gfj}kj] ;g crkus x;s Fks fd ge ykskxksa us dksVZ esa “kknh dj yh gSA eq>s iqfylFkkuk izHkkjh us dgk fd rqe yksxksa us “kknh dj yh gS rks rq>s dksbZ ijs”kkuh ugha gksxhA eSusa dgk fd esjs firkth eq>s ysus vk,xs rks eq>s mlds ?kj ugha tkuk gS rc Fkkuk v/;{k us eq>ls dgk fd rqe vius ifr ds lkFk jgksA eSa vc vius ifr ds lkFk mlds ?kj xzke ogh okyk] jkuhiqj] ftyk gfj}kj esa tkuk pkgrh gwW vkSj esa ogh jgwWxhA”

3. The statement of Kr. Manpreet Kaur clearly reveals that she is aged about 23 years. High School Certificate also shows that she is major. She has stated before this Court that she was married with the respondent No.3-Majoj and she is living with her husband with her own consent. She has further stated that they have registered their marriage in the Registrar of Hindu Marriage Act, Dehradun. She has further stated that the respondent No.3 to 4 have not detained her illegally. She is staying in the house of respondent No.3 & 4 with her own free will. In view of the above statement, Kr.

Manpreet Kaur has desired and consented to live with her husband-respondent No.3 (Manoj). Therefore, I am of view that Kr. Manpreet Kaur may live according to her own choice.

4. A civil misc. application bearing No.12301/2005 has been filed by the respondent No.3 & 4 with the prayer that the police protection may be provided to the respondent No.3-Manoj Kumar and his family members. Another application has also been filed that the police protection may be provided to Km. Manpreet Kaur, respondent No.3-Manoj and family members.

5. In view of the facts and circumstances of the case, the S.S.P., Nainital is directed to provide police protection to Km. Manpreet from court to her residence i.e. residence of respondent No.3 to 4. The police protection shall also be provided to Km. Manpreet from the court to her residence. The S.S.P., Haridwar is directed to provide proper police protection to the respondent Nos.3 to 5 as well as to Kr. Manpreet Kaur at their place of stay at Haridwar.

6. In view of the above, the petition is disposed of accordingly.

7. Let the certified copy for this order be supplied to the parties by today itself on payment of usual charges.

(J. C. S. Rawat, J.)

Dated 21.12.2005

LSR